

**UNITED STATES INTERNATIONAL TRADE COMMISSION**  
**Washington, D.C.**

**In the Matter of**

**CERTAIN GARAGE DOOR OPERATORS  
INCLUDING COMPONENTS THEREOF**

**Inv. No. 337-TA-459**

**NOTICE OF DECISION TO REVIEW AND REMAND AN INITIAL DETERMINATION  
GRANTING A MOTION TO INTERVENE BUT RESTRICTING PARTICIPATION**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review an initial determination (ID) (Order No. 5) issued by the presiding administrative law judge (ALJ) in the above-captioned investigation. The ID allowed intervention in the above-captioned investigation by Microchip Technology Incorporated ( Microchip ), but limited Microchip s participation during discovery and at trial. The Commission has also determined to remand the ID to the ALJ to either supply an explanation of his reasons for limiting participation by Microchip or modify the ID.

FOR FURTHER INFORMATION CONTACT: Jean Jackson, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, D.C. 20436, telephone 202-205-3104. Copies of all nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, D.C. 20436, telephone 202-205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission s electronic docket (EDIS-ON-LINE) at <http://dockets.usitc.gov/eol/public>. Hearing-impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on July 16, 2001, based on a complaint filed by The Chamberlain Group, Inc. ("Chamberlain") against six entities, not including Microchip. 66 *Fed. Reg.* 37704. Chamberlain s complaint alleges violations of section 337 of the Tariff Act of 1930 in the importation into the United States, sale for importation, and/or sale within the United States after importation of certain garage door operators by reason of infringement of certain claims of Chamberlain s U.S. Letters Patents Nos. Re. 35,364 and Re. 36,703. On August 6, 2001, Microchip filed a motion to intervene in this investigation.

On October 1, 2001, the presiding ALJ issued an ID granting Microchip s motion. The subject ID allows Microchip to become an intervenor in the present investigation, but places restrictions on Microchip s participation. Under the ID, Microchip is not allowed to notice depositions during discovery or participate as a party in the trial. The ID does not contain reasons for restricting Microchip s participation.

On October 9, 2001, Microchip filed petition for review of the ID, alleging errors of law and matters of Commission policy as bases for review of the subject ID. On October 16, 2001, complainant Chamberlain opposed the petition for review. On the same date, the Commission investigative attorney filed a response in support of the petition for review, arguing that the lack of reasons in the ID for limiting Microchip's participation in the investigation made it impossible for the Commission to determine whether the ALJ had committed an error of law or had abused his discretion.

This action is taken under the authority of section 337 of the Tariff Act of 1930, 19 U.S.C. § 1337, and section 210.43 (d) of the Commission Rules of Practice and Procedure, 19 C.F.R. § 210.43(d).

By order of the Commission.

Donna R. Koehnke  
Secretary

Issued: October 30, 2001